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7 Attorneys for Defendants

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 STEVEN ECKHART, a single person,

12 Plaintiff,

13
14 vs.

15 ASOTIN COUNTY, ASOTIN
16 COUNTY SHERIFF'S OFFICE,
17 ASOTIN COUNTY SHERIFF JOHN
18 HILDERBRAND, ASOTIN COUNTY
19 JAIL, ARTHUR W. MUSSER,
20 individually and in his professional
21 capacity, DEVIN WEBBER,
22 individually and in his professional
23 capacity,

24 Defendants.

Case No.: 2:23-CV-207

Asotin County Superior Court Cause
No. 23-2-00082-02

NOTICE OF REMOVAL OF
ACTION

25 TO: The Clerk of the Court
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NOTICE OF REMOVAL - page 1

1 **PLEASE TAKE NOTICE** that Defendants Asotin County, Asotin County
2 Sheriff John Hildebrand, Arthur Musser and Devin Webber hereby remove to this
3 Court the state court action described below.
4

5 **1. State Court Action**
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7 On June 20, 2023, Defendants Asotin County, John Hildebrand and Devin
8 Webber (“Removing Defendants”) were served with the Summons and Complaint.
9
10 *See Certificate of Michael E. McFarland, Jr., Ex. B-G.* The Complaint lists Asotin
11 County, John Hildebrand and Devin Webber as defendants. *McFarland*
12 *Certificate, Ex. A.* Plaintiff’s Complaint was filed in Asotin County Superior
13 Court on May 26, 2023 and assigned cause number 23-2-00082-02. *Id.* Defendants
14 were not served until June 20, 2023. *McFarland Certificate, Ex. B-G.*
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16 **2. Federal Question Jurisdiction**
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18 Plaintiff’s Complaint alleges that the Removing Defendants violated the his
19 rights under the U.S. Constitution. *Complaint, ¶ 1.1.* Specifically, Plaintiff alleges
20 that the Removing Defendants violated his right to bodily integrity under the
21 Fourth, Eighth and Fourteenth Amendment. *Complaint, ¶ 4.29-4.33.*
22
23

24 Accordingly, this action is removable to federal court under 28 U.S.C. §
25 1441, as Plaintiff’s claims arise under the Constitution, laws or treaties of the
26 United States, and this Court would have had original jurisdiction over Plaintiff’s
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28

1 claims under 28 U.S.C. §§ 1331 and 1343 had Plaintiff elected to file the action in
2 federal court. This Court is the District Court of the United States embracing the
3 place where the state court action is currently pending, and is therefore the
4 appropriate Court for removal pursuant to 28 U.S.C. § 1441(a).
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6
7 **3. Timely Removal**

8 Removing Defendants were each served with the Summons and Complaint
9 on June 20, 2023. This Notice of Removal is filed within 30 days after the service
10 of the Complaint. *See* 28 U.S.C. § 1446(b).
11

12
13 **4. Papers Served**

14 Copies of all process and any pleading served upon Defendants are attached
15 as **Exhibits A-G** to the Certificate of Attorney.
16

17
18 DATED this 20th day of July, 2023.
19

20 EVANS, CRAVEN & LACKIE, P.S.
21

22
23 By: s/ Michael E. McFarland, Jr.
24 MICHAEL E. McFARLAND, JR., #23000
25 BRYTON A. REDAL, #56946
26 Attorneys for Defendants
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 20th day of July, 2023, the foregoing was delivered to the following persons via e-service agreement:

Counsel for Plaintiff

Douglas D. Phelps

Via Regular Mail []

Phelps & Associates, P.S.

Via Certified Mail []

2903 North Stout Road

Via Overnight Mail []

Spokane, WA 99206

Via Facsimile []

Email: phelps@phelpslaw1.com

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Email: asmith@phelpslaw1.com

Via Email [X]

Kimberley L. Mauss, Paralegal